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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/797,554	03/10/2004	Masahiko Gondoh	17524	4398	
23389	7590 11/29/2005	EXAMINER			
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA			TAMAI,	TAMAI, KARL I	
SUITE 300 GARDEN CITY, NY 11530			ART UNIT	PAPER NUMBER	
			2834		

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	_		
Office Action Summary		10/797,554	GONDOH, MASAHIKO	_		
		Examiner	Art Unit	_		
		Tamai I.E. Karl	2834			
	The MAILING DATE of this communication ap	pears on the cover sheet with the	correspondence address	_		
Period fo	• •					
WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR REPLICHEVER IS LONGER, FROM THE MAILING Insions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. Period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by staturely received by the Office later than three months after the mailined patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATIO .136(a). In no event, however, may a reply be divill apply and will expire SIX (6) MONTHS fro te, cause the application to become ABANDON	DN. timely filed  m the mailing date of this communication. IED (35 U.S.C. § 133).			
Status						
1)⊠	Responsive to communication(s) filed on <u>03 I</u>	November 2005.		İ		
7—	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 11,	453 O.G. 213.			
Dispositi	ion of Claims					
5)□ 6)⊠ 7)⊠	Claim(s) <u>1-19</u> is/are pending in the application 4a) Of the above claim(s) is/are withdrawith Claim(s) is/are allowed.  Claim(s) <u>1-3,6,9-17 and 19</u> is/are rejected.  Claim(s) <u>4, 5, 7, 8, and 18</u> is/are objected to.  Claim(s) are subject to restriction and/	awn from consideration.				
Applicat	ion Papers					
<i>,</i> —	The specification is objected to by the Examin The drawing(s) filed on is/are: a) ac Applicant may not request that any objection to the	cepted or b) objected to by the				
11)	Replacement drawing sheet(s) including the corre The oath or declaration is objected to by the E	ction is required if the drawing(s) is o	objected to. See 37 CFR 1.121(d).			
Priority (	under 35 U.S.C. § 119					
a)	Acknowledgment is made of a claim for foreig  All b) Some * c) None of:  1. Certified copies of the priority documer  2. Certified copies of the priority documer  3. Copies of the certified copies of the pri application from the International Bure See the attached detailed Office action for a list	nts have been received. nts have been received in Applica ority documents have been recei au (PCT Rule 17.2(a)).	ation No ived in this National Stage			
Attachmer		<b></b>	(DTO 442)			
2) Notice	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/0 er No(s)/Mail Date 11/3/0 <mark>4</mark> , 3/10/04.	4) Interview Summa Paper No(s)/Mail  5) Notice of Informa 6) Other:				

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#### **DETAILED ACTION**

#### Specification

- 1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
- 2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

## Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 1-3, 9, 15-17, and 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yano et al. (Yano)(JP 08-149858). Yano teaches an electrostatic actuator with movable comb electrodes (E11, 12, 13, 21, 22, 23) and stationary comb driving electrodes (A, B, C) or the application of an alternating electrical voltage. Yano teaches moving inductive R1 and S1 electrodes and stationary inductive R, S electrodes. Yano teaches the same pitch for the driving and moving electrodes.

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5. Claims 1, 15, 17, and 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Higuchi et al. (Higuchi)(JP 08-149858). Higuchi teaches an electrostatic actuator with movable 33 and stationary 23 driving electrodes having comb like electrodes with radially aligned comb electrodes for the application of an alternating electrical voltage. Higuchi teaches moving inductive 105 electrodes and stationary inductive 104 electrodes.

### Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano in further view of Tanaka (US 6781669). Yano teaches every aspect of the invention except the speed of the moving element is controlled by the frequency difference between the first and second AC voltages. Tanaka teaches the speed of the mover is controlled by the frequency of the driving voltages. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Yano with the speed controlled by the frequency difference of the first and second AC voltages, because Tanaka teaches that speed can efficiently be controlled by the frequency of the driving voltages.

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8. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano, in further view of Higuchi et al. (Higuchi) (US 5541465). Yano teaches every aspect of the invention except connection members for a plurality of connected stators and movers centered on an axis of rotation. Higuchi teaches multiple stators and rotors to increase the output of the actuators (figure 10). Higuchi teaches a rotary actuator is formed by radially aligning the electrodes (figure 11). Higuchi teaches the mover and stator arranged as a cylinder for linear movement (figure 13) or circumferential movement (figure 14). It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Yano with the multiple stators and movers respectively on connected together to increase the output of the actuators, as taught by Higuchi.

#### Allowable Subject Matter

9. Claims 4, 5, 7, 8, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the 10. examiner should be directed to Karl I.E. Tamai at telephone number is (571) 272 - 2036.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg, can be reached at (571) 272 - 2044. The facsimile number for the Group is (571) 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karl I Tamai PRIMARY PATENT EXAMINER November 25, 2005

PRIMARY EXAMINER